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October 16, 2017

VIA ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Evan Greebel, S1 15 Cr. 637 (KAM)

Dear Judge Matsumoto:

We respectfully submit this letter pursuant to the Court's Order this morning directing us to provide all the documents we have received to date pursuant to Federal Rule of Criminal Procedure 17(c).¹ We hereby provide all the documents we have received to date pursuant to Rule 17(c) subpoenas to third parties.² Below is a chart containing a list of those materials. We are providing these documents in the form we received them. We will provide the Court with hard copies tomorrow.³

¹ We respect and are complying with the Court's Order. For the Court's information, we were relying on Rule 17(c) itself, which does not require production to an adverse party of materials obtained in response to Rule 17 subpoenas. *See* Fed. R. Crim. Pro. 17(c); *United States v. Hatfield*, No. 06-CR-0550 (JS), 2009 WL 2030350, at *1–2 (E.D.N.Y. July 14, 2009) (“[T]he plain language of Rule 17(c) does not place an absolute requirement on parties to direct subpoenaed entities to return items to the Court, as [the government] suggests.’ . . . The language of Rule 17 is clearly permissive, and not mandatory.” (quoting *Khoulj v. Darui*, 248 F.R.D. 729, 731 (D.D.C. 2008))). The Court's Scheduling Orders in this case did not require disclosure of all documents obtained by Rule 17 subpoenas. *See* Dkt. Nos. 74 (Aug. 2, 2016), 147 (Jan. 13, 2017), 213 (Apr. 27, 2017), 266 (July 14, 2017).

² This production does not waive the testimonial rights of such individuals pursuant to the Fifth Amendment to refuse to testify.

³ We are providing the government with electronic copies of all documents tonight.

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No.	Producing Party	Date(s) of Production	Number of Documents	Bates Numbers (if any)
1.	Bonanza Capital, Ltd.	10/4/2017	2	<i>No Bates stamps</i>
2.	Edwards Wildman & Palmer	9/29/2017	75	<i>No Bates stamps</i>
3.	E*TRADE Financial Corp.	10/11/2017	11	<i>No Bates stamps</i>
4.	Fensterstock & Partners LLP	10/11/2017	5	<i>No Bates stamps</i>
5.	Fernandez, Thomas	10/6/2017 10/12/2017	24 1	TF-000001–TF-000197
6.	Financial Industry Regulatory Authority, Inc. (FINRA)	10/10/2017	28	
7.	Innisfree M&A Inc.	9/27/2017	111	INNS_EG0000001– INNS_EG0000416
8.	Interactive Brokers	8/4/2017	120	<i>No Bates stamps</i>
9.	Retrophin, Inc.	10/3/2017 10/5/2017	522 2	<i>See Exhibit A</i> R169031, R169032
10.	Syracuse University	10/5/2017	1	<i>No Bates stamp</i>
11.	Tilles, Ron	9/25/2017	309	TILLES-EDNY0000001– TILLES-EDNY0000437
12.	Vaino, Andrew	9/19/2017	648	ANDREW_VAINO_00000001– ANDREW_VAINO_00000808

Respectfully,

/s/ Reed Brodsky

Reed Brodsky

cc: Alixandra E. Smith, Esq.
David C. Pitluck, Esq.
David K. Kessler, Esq.